

**BEFORE THE WATER QUALITY APPEALS BOARD
DEPARTMENT OF ADMINISTRATION
IN AND FOR THE STATE OF ARIZONA**

SIERRA CLUB, GRAND CANYON
CHAPTER, a not-for-profit corporation; and
RED ROCK RURAL COMMUNITY
ASSOCIATION

Appellant,

vs.,

ARIZONA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Respondent.

CASE NO. 07-002-WQAB

Re: AP Permit Inventory No. 105588

**BOARD'S FINAL ADMINISTRATIVE
DECISION**

On December 18, 2007, the Arizona Water Quality Appeals Board ("Board") met to consider the Recommended Decision of Administrative Law Judge Thomas Shedden dated November 5, 2007 ("the Recommended Decision") which was received by the Board on November 8, 2007 in the above-captioned matter. The Recommended Decision is attached hereto and incorporated herein by this reference.

Laura Berglan, Attorney at Law, appeared on behalf of the Appellant Sierra Club, Grand Canyon, a not-for-profit corporation, and Red Rock Rural Community Association. Curtis Cox of the Arizona Attorney General's Office represented the Respondent Arizona Department of Environmental Quality ("ADEQ"). Carla Consoli appeared on behalf of Intervenor/Real Party in Interest BySynergy, LLC.

After review of the Recommended Decision, transcripts and arguments of the parties, and having completed full and careful deliberation of the same, the Board takes the following actions regarding the Recommended Decision:

FINDINGS OF FACT

The Board adopts the Findings of Fact in their entirety.

CONCLUSIONS OF LAW

The Board adopts the Conclusions of Law in their entirety.

ORDER

The Board accepts the Administrative Law Judge's Recommendation and affirms the Arizona Department of Environmental Quality's decision to issue APP No. P-105588.

NOTICE PURSUANT TO A.A.C. R2-17-125 (C):

This is a final administrative decision of the Water Quality Appeals Board, made according to A.R.S. § 49-525. You may file a motion for rehearing or review of this decision under R2-17-126. If you file a motion for rehearing or review, you must file a written motion within 30 days after service of this decision. You are not required to file a motion for rehearing or review before seeking judicial review. This decision may be reviewed by the Superior Court if you file a complaint in the manner prescribed in A.R.S. §§ 41-1092.10 and 41-1092.11.

DATED this 19th day of *December*, 2007.

WATER QUALITY APPEALS BOARD



Karen Buerst Treon, Acting Chairman

A copy of the foregoing was mailed via U.S. Mail
this 20th day of *December*, 2007.

WATER QUALITY APPEALS BOARD:

Karen Buerst Treon
Sharon S. Lagas
Karen Smith

A copy of the foregoing was faxed and mailed via U.S. Mail
this 20th day of *December*, 2007.

Howard Shanker.
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Appellant's attorney

Curtis Cox, Assistant Attorney General
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Attorney for ADEQ

Carla Consoli
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Phoenix, Arizona 85004
Attorney for Intervenor/Real Party in Interest

A copy of the foregoing was mailed via inter-agency mail
this 20th day of December, 2007.

Judith Fought, Hearing Administrator
Office of Administrative Counsel
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Joan Card
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Attorney for the Water Quality Appeals Board

A copy of the foregoing was hand delivered
this 20th day of December, 2007.

Thomas Shedden
Administrative Law Judge
Office of Administrative Hearings
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Phoenix, Arizona 85007
Office of Administrative Hearings



By: Toni Towne

Clerk, Water Quality Appeals Board